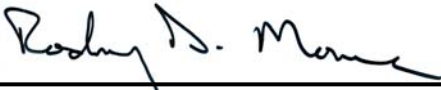




RICHMOND POLICE DEPARTMENT GENERAL ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 6	Number 20	Effective Date 09/29/06	Review Date 2010
Subject REPOSSESSION DISPUTES			☐ New Order ☒ Replaces G.O. 0606-03, (08/20/04)
References VA Code 18.2-115 and 8.01-470			
 _____ Chief of Police or Designee		<u>09/29/06</u> Date	

I. PURPOSE

The purpose of this directive is to establish the **guidelines** concerning the handling of repossession disputes by members of the Richmond Police Department.

II. POLICY

It is the policy of the Department to establish specific guidelines for any interaction concerning repossession disputes.

III. PROCEDURE

A. Repossession without Legal Process:

The primary responsibility of any member of the Department **in repossession disputes** is to keep the peace. Police officers shall ensure that any individual, who is attempting to repossess property without legal process, does so within the guidelines stated below:

1. A seller may reclaim or repossess property that belongs to him/her, only if such repossession can be accomplished peaceably and with the permission of the purchaser.
2. The seller or **individual who wants to** repossess property may not participate in **any** illegal acts, **such as** breaking and entering, trespassing, threatening, assault, etc. in order to **reclaim** the property.

3. If the reposessor cannot obtain the property peaceably, he/she must obtain a court order (Writ of Possession) to enforce his/her right to repossession.
4. At no time shall any member of the Department ***physically assist*** any person in the ***removal of an item(s) that is being repossessed***.

B. Repossession with Legal Process:

A seller may petition the civil court for a Writ of Possession for specific personal property ***items***. Once this writ has been issued ***by the court***, it is ***forwarded by the Clerk's Office personnel*** to the City Sheriff's Office.

C. Fraudulent Conversion or Removal of Property ***Item(s)*** Subject to Lien:

1. Virginia Code Section §18.2-115, fraudulent conversion or removal of property subject to lien or title to which is in another, states in part:

"...Whenever any person is in possession of any personal property, including motor vehicles or farm products, in any capacity, the title or ownership of which he has agreed in writing shall be or remain in another, or on which he has given a lien, and such person so in possession shall fraudulently sell, pledge, pawn or remove such property from the premises where it has been agreed that it shall remain, and refuse to disclose the location thereof, or otherwise dispose of the property or fraudulently remove the same from the Commonwealth, without the written consent of the owner or lienor or the person in whom the title is, or, if such writing be a deed of trust, without the written consent of the trustee or beneficiary in such deed of trust, he shall be deemed guilty of the larceny thereof..."

2. If the above conditions are present; the officer shall compile an Incident Based Report, listing the crime as "Larceny". Whether the crime is Grand Larceny or Petit Larceny will depend on the value at the time it was purchased.

IV. **ROLES and RESPONSIBILITIES**

A. ***The Responding Officer shall:***

1. ***Keep the peace and shall ensure that any individual, who is attempting to repossess property without legal process, does so within departmental guidelines.***
2. ***At no time become actively involved or aid any other person in a repossession of property dispute.***
3. ***Ensure that the individual desiring to repossess property is not in violation of Virginia Code Section §18.2-115.***
4. ***In those instances where the officer is unsure as to the correct course of action to take to resolve the repossession dispute, the officer shall notify a supervisor.***

B. *Supervisors:*

Respond to the scene in those instances where the officer is unsure as to the correct course of action and assist in resolving the repossession issue.